

### **REMARKS**

The Office Action dated June 2, 2006, has been fully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

Claims 1-3 and 9-17 are pending. Claims 4-8 have previously been cancelled. Claim 1 has been amended to remove the word “preventing” and the disease “chronic fatigue syndrome,” and to correct a minor spelling error. Claims 13-16 have been amended according to the Examiner’s suggestions and to correct a minor misspelling. No new matter is added.

#### **THE CLAIMS ARE ENABLED**

Claims 1-3 and 9-17 stand rejected under 35 U.S.C. § 112, first paragraph, as being lacking enablement for preventing the diseases recited in the claims. Applicant respectfully submits that the claims have been amended to delete the word “preventing.” As such, the claims are now drawn to treating the recited diseases only. This is deemed enabled by the Examiner on page 2 of the Office Action. Therefore, Applicant respectfully requests withdrawal of the rejection.

#### **THE CLAIMS ARE NOT OBVIOUS**

Claims 1-3 and 9-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Perry (U.S. Patent No. 6,203,797). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP 2143.

Perry fails to teach or suggest all the claim limitations. In particular, Perry fails to disclose the specific diseases recited in claim 1. The Examiner alleges that treatment of chronic fatigue syndrome is obvious from the teachings of Perry; however, chronic fatigue syndrome has been deleted from the claims. In addition, Perry fails to disclose any of the specific diseases now recited in claim 1, which include juvenile rheumatoid arthritis, multiple-sclerosis, autoimmune disease, attention deficit disorder, depression, bipolar disorder, Alzheimer's disease, Parkinson's Disease, Whipple's Disease, Tourette's Syndrome, Asperger's syndrome, pervasive development disorder, early onset autism, regressive autism, Rhetts Syndrome, schizophrenia, and obsessive-compulsive disorder. These diseases are usually considered either autoimmune diseases or central nervous system (CNS) diseases. Perry only discloses a dietary supplement for alleviating symptoms of irritable bowel syndrome.

In addition, the Examiner has not establish a *prima facie* case of obviousness for any of the diseases now recited in the claims, because she fails to provide any motivation to modify the teaching of Perry to arrive at the present invention (the Examiner has only provided motivation to treat Chronic Fatigue Syndrome, which has been deleted from the current version of the claims). Nevertheless, Applicant respectfully asserts that the present invention is not obvious over Perry, because the reference fails to teach or suggest all the claim limitations. In particular, as discussed in detail above, Perry fails to teach or suggest the diseases recited in claim 1. Therefore, for the reasons noted, Perry does not render the claimed invention obvious within the meaning of 35 U.S.C. § 103, Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

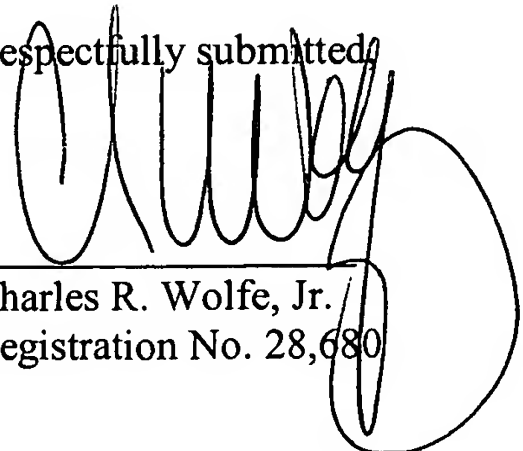
Applicant has responded to the Office Action mailed June 2, 2006. All pending claims are now believed to be allowable and favorable action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (111828-00113). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time. Any fees due are authorized above.

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Respectfully submitted,

  
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